

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LEATRICE L. LITTLE,

Plaintiff,

v.

CAPE GIRARDEAU POLICE

DEPARTMENT, et al.,

Defendants.

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No. 4:15CV1237 DDN

**OPINION, MEMORANDUM AND ORDER**

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted. Additionally, the Court finds that the complaint is legally frivolous.

Under 28 U.S.C. § 1915(e), the Court is required to dismiss a complaint filed in forma pauperis if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. To state a claim for relief under § 1983, a complaint must plead more than “legal conclusions” and “[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). A plaintiff must demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.”

Plaintiff sues the Cape Girardeau Police Department, the Brentwood Police Department, and the State of Missouri for harassment from police officers. Plaintiff was convicted of first-degree burglary and forcible rape in 1981. *Missouri v. Little*, 674 S.W.2d 541 (Mo. banc 1984). He filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, which was granted by the Court of Appeals for the Eighth Circuit in 1987. *Little v. Armontrout*, 835 F.2d 1240 (8th Cir.

1987). The Court of Appeals found that the victim's identification of Little as her attacker was improperly suggested by a police hypnotist. *Id.* at 1245.

Plaintiff claims that on December 11, 2001, officers with the Cape Girardeau Police Department raided his place of employment and "yell[ed] that [he] had gotten off on a technicality." He asserts that he volunteered a sample of his DNA and "waited for the police to arrest [him]." He says he has suffered mental and emotional pain, and he says his reputation has suffered. He does not allege that he was searched or detained unlawfully.

The complaint is frivolous as to the Cape Girardeau and Brentwood police departments because they are not subject to suit under § 1983. *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (1992) (police departments are not suable entities because they are subdivision of city government). And plaintiff cannot sue the State of Missouri because it enjoys sovereign immunity. *See Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985); *Murphy v. Arkansas*, 127 F.3d 750, 754 (8th Cir. 1997). As a result, the complaint is frivolous and must be dismissed.

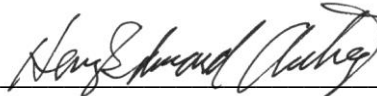
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 14th day of August, 2015

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE